

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Director for Patents and Trademarks

Applicant: HAMMOND, Malcolm
Title: FORK CROWN SUPPORTED BICYCLE CARRIER
Serial No.: 10/782,174
Filing Date: 02/20/2004 Art Unit: 3727
Docket No.: 263953.00002
Date: July 13, 2006

To: United States Patent and Trademark Office
Director for Patents
PO Box 1450
Alexandria, VA
22313-1450

Dear Sirs:

**PETITION TO WITHDRAW HOLDING
OF ABANDONMENT UNDER 37 CFR 1.137(b)**

This is in response to the deemed abandonment of the above-identified Patent Application No. 10/782,174 (the "Application") for failure to rescind a nonpublication request within 45 days after the date of filing of a foreign application directed to the invention.

The abandonment of the application was unintentional for the reasons set out below.

07/17/2006 JADD01 00000025 10782174

01 FC:2453

750.00 OP

At the time of filing the application, the Applicant had taken tremendous effort to keep the invention hidden from the public, and at the time of filing could see no advantages to making the application public until absolutely necessary. The Applicant prepared the

Application *pro se*, using the book "Patent It Yourself" (9th edition by Nolo press) for guidance. When the Applicant initially filed the Application on February 20, 2004, he did not intend to file elsewhere. When making the request for nonpublication, he was unaware of the consequences of filing elsewhere and not rescinding the request.

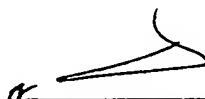
Several months later the Applicant changed his mind and decided to also file a corresponding application in Canada (the country in which he lives). The Canadian application was filed on June 3, 2004. Because of his total lack of experience in prosecuting patent applications (the Application was his first exposure to patent applications, *pro se* or otherwise), he was unaware that he needed to timely rescind the nonpublication request.

On receiving an action from the Canadian Patent Office, the Applicant sought assistance from a law firm including patent agents. On realizing the nonpublication request had been filed and not rescinded following the Canadian filing, immediate steps have been taken to correct the error and file a rescission of previous nonpublication request.

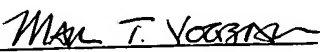
The Applicant submits that given the above events, his inexperience in patent matters, and the publication of the corresponding Canadian application (providing public notice), the Applicant submits that the failure to rescind the nonpublication request within 45 days of the filing date of the Canadian application was unintentional and respectfully requests that the Petition to Withdraw the Holding of Abandonment be granted.

Respectfully submitted,

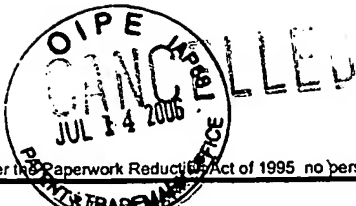
By:



Armand Benitah (Reg. No. 56026)
Patent Agent for the Applicant
Fasken Martineau DuMoulin LLP
Vancouver, British Columbia
Canada


Mark T. Vogelbacker
Reg No. 58,877
Telephone: (215) 965-1245

Date: 12/1/10



PTO/SB/17 (01-06)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2006☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 750.00

Complete if Known

Application Number	10/782,174
Filing Date	02/20/2004
First Named Inventor	Hamond
Examiner Name	
Art Unit	3727
Attorney Docket No.	263953.00002

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

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FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	_____

- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition

750.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 56026	Telephone 604 631 4743
Name (Print/Type)	Armand Benitah		Date 02/20/2004

to obtain or retain a benefit by the public which is to file (and by the 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, USPTO. Time will vary depending upon the individual case. Any comments on this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, 400 ... DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, VA 22313-1450.

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Mark T. Vogelbacker

Date: 12/1/10

Reg No. 58,877

Telephone: (215) 965-1245



PTO/SB/81 (01-06)

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**POWER OF ATTORNEY
and
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INDICATION FORM**

Application Number	10/782,174
Filing Date	02/20/2004
First Named Inventor	Hammond
Title	Fork Crown Supported Bicycle Carrier
Art Unit	3727
Examiner Name	
Attorney Docket Number	263593.00002

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☒ Practitioner(s) named below:

Name	Registration Number
Armand Benitah	56026

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

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☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Fasken Martineau DuMoulin LLP		
Address	2100 - 1075 West Georgia Street		
City	Vancouver	State	British Columbia
		Zip	V6E 3G2
Country	Canada		
Telephone	604 631 4743	Email	dingalls@van.fasken.com

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature		Date	07/13/2006
Name	Malcolm T. Hammond	Telephone	604 924 5161
Title and Company			

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/782,174
	Filing Date	02/20/2004
	First Named Inventor	Hammond
	Art Unit	3727
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	263953.00002

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1. Rescission of Previous Nonpublication Request
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	2. Credit Card Payment Form
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Fasken Martineau DuMoulin LLP	
Signature		
Printed name	Armand Benitah	
Date	07/13/2006	Reg. No. 56026

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Signature		
Typed or printed name		Date

Mark T. Vogelbacker
Mark T. Vogelbacker
Reg No. 58,877
Telephone: (215) 965-1245

Date: 12/1/10

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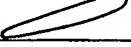
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RESCISSION OF PREVIOUS NONPUBLICATION REQUEST (35 U.S.C. 122(b)(2)(B)(ii)) AND, IF APPLICABLE, NOTICE OF FOREIGN FILING (35 U.S.C. 122(b)(2)(B)(iii)) Send completed form to: Mail Stop PG Pub Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX: (571) 273-8300	Application Number	10/782,174
	Filing Date	02/20/2004
	First Named Inventor	Hammond
	Title	Fork Crown Supported Bicycle
	Atty Docket Number	263953.00002
	Art Unit	3727
	Examiner	

A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i). I hereby rescind the previous nonpublication request.

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.

If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).

 _____ Signature	07/13/2006 _____ Date
Armand Benitah _____ Typed or printed name	56026 _____ Registration Number, if applicable
1-604-631-4743 _____ Telephone Number	

This request must be signed in compliance with 37 CFR 1.33(b).

If information or assistance is needed in completing this form, please contact the Pre-Grant Publication Division at (703)605-4283 or by e-mail at PGPub@USPTO.gov.

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Signature	
Name (Print/Type)	Date

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Date: March 27, 2007

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United States Patent and Trademark Office	Alexandria, VA	571-272-1000	571-273-8300

FROM	Telephone	Facsimile
Daniel R. Polonenko dpolonenko@van.fasken.com	604 631 4921	604 632 4921

Pages (including cover): 1

File/Sender's ID: 999002.16764/16266

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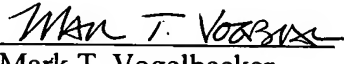
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We would like to advise you of the correct attorney docket number for the below listed patent application:

United States Patent Application No. 10/782, 174
Title: **FORK CROWN SUPPORTED BICYCLE CARRIER**
Filing Date: February 20, 2004
Application: **HAMMOND, Malcolm**
Art Unit #: 3782
Atty Docket No.: 263953.00002

Regards,


Daniel R. Polonenko, PhD
Patent Agent

 Date: 12/1/10
Mark T. Vogelbacker
Reg No. 58,877
Telephone: (215) 965-1245

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USPTO	Alexandria, VA		1 571 273 8300

FROM	Telephone	Facsimile
Armand Benitah dingalls@van.fasken.com	604 631 4743	604 632 4743

Pages (including cover): 10

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Dated: July 27, 2007 Name:


Anne Chow

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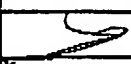
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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/762,174	
	Filing Date	02/20/2004	
	First Named Inventor	HAMMOND, Malcolm Thomas	
	Art Unit	3782	
	Examiner Name	MORGAN, Jack H.	
Total Number of Pages in This Submission	9	Attorney Docket Number	283953.00002

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Fasken Martineau DuMoulin LLP		
Signature			
Printed name	Armand Benitah		
Date	July 27, 2007	Reg. No.	56028

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Signature			
Typed or printed name	Anne Chow	Date	July 27, 2007

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For more information, call 1-800-PTO-9199 and select option 2.

Mark T. Vogelbacker Date: 12/1/10
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PTO/SB/22 (04-07)

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2006 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		Docket Number (Optional) 263953.00002	
Application Number 10/782,174		Filed 02/20/2004	
For Response to Office Action 02/27/2007			
Art Unit 3782		Examiner MORGAN, Jack H.	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$225.00
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☒ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____. I have enclosed a duplicate copy of this sheet.

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I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 56026

☐ attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature

Date

Armand Benitah
Typed or printed name

604 631 4743
Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

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*XRF-317*DNIS:2738300*CSID:604 631 3232*DURATION (mm-ss):03-16

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents and Trademarks

Applicant: HAMMOND, Malcolm
Title: FORK CROWN SUPPORTED BICYCLE CARRIER
Serial No.: 10/782,174
Filing Date: 02/20/2004
Examiner: MORGAN Jr., Jack Hosmer Art Unit: 3782
Docket No.: 263953.00002
Date: July 27, 2007

To: United States Patent and Trademark Office
Customer Service Window
Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Dear Sirs:

RESPONSE

This is in response to the Office Action mailed February 27, 2007.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

- 2 -

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Amendments to the Claims

This listing of claims will replace all prior versions, and listing of claims in the application.

Listing of Claims

1. (currently amended) A bicycle carrier for mounting to a vehicle comprising:

a supporting member ~~which is mountable directly or indirectly to said vehicle; [[.]]~~

an upper bar;

~~said supporting member having thereon~~ a cradle to receive a bicycle fork crown,
said cradle being oriented on said upper bar ~~supporting member whereby such that~~ when said
supporting member is mounted on said vehicle said cradle [[will]] can support a bicycle from
said bicycle fork crown, [[with]] said bicycle being suspended ~~below said bicycle fork crown~~
generally vertically.
2. (currently amended) The bicycle carrier of claim 1, wherein said supporting member is a generally vertical structure, and said upper bar is [[with]] a horizontal upper structure on which said cradle is mounted.
3. (original) The bicycle carrier of claim 2, wherein said supporting member has a means of attaching to a vehicle hitch.
4. (currently amended) The bicycle carrier of claim 2, further comprising a second bar ~~wherein said supporting member has a lower structure~~ with means for securing a bicycle rear wheel.
5. (currently amended) The bicycle carrier of claim 2, wherein there is a plurality of cradles mounted on said upper bar ~~structure~~ for carrying a plurality of bicycles.
6. (original) The bicycle carrier of claim 5, wherein said plurality of cradles are mounted at an angle such that ~~said~~ cradle supports said bicycle fork crown and the bicycle handlebars at an angle other than perpendicular to said bicycle.

- 3 -

7. (original) The bicycle carrier of claim 2, wherein said cradle includes at least one tie down means for securing said fork crown or a bicycle fork.
8. (currently amended) A vehicle mounted bicycle carrier comprising:

a horizontal bar support-member mountable to said vehicle, said horizontal bar support-member ~~thereon~~ having a cradle, ~~said cradle~~ to supports a bicycle fork crown of a bicycle such that said ~~[[, a]]~~ bicycle is hung generally vertically ~~below~~ from said fork crown ~~and said cradle~~.
9. (currently amended) The bicycle carrier of claim 8, wherein said horizontal bar support-member is mounted to a generally vertical support member and a vehicle hitch.
10. (currently amended) The bicycle carrier of claim 8, further comprising ~~wherein there is~~ means for securing said bicycle or said bicycle fork crown, to said horizontal support member or said cradle.
11. (currently amended) The bicycle carrier of claim 8, further comprising ~~wherein there is~~ means for securing a rear bicycle wheel to said vehicle mounted bicycle carrier.
12. (original) The bicycle carrier of claim 8, wherein said horizontal support member is mounted generally parallel or generally perpendicular to the rear of said vehicle.
13. (original) The bicycle carrier of claim 8, wherein a plurality of cradles for carrying a plurality of bicycles, are mounted to said horizontal support member.
14. (original) The bicycle carrier of claim 13, wherein said cradles support said plurality of bicycles with said bicycle fork crown and handlebars at an angle other than parallel to said horizontal support member.
15. (new) The bicycle carrier of claim 1 wherein said cradle comprises two pairs of tines, such that said bicycle fork crown is positionable between each of said pairs.
16. (new) The bicycle carrier of claim 1 further comprising a stabilizer bar, said stabilizer bar positioned to stabilize a rear tire of said bicycle.

- 4 -

17. (new) The bicycle carrier of claim 3 wherein said stabilizer bar further comprises a hook to hold said rear tire in place.

- 5 -

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JUL 27 2007Remarks/Argument

The Applicant respectfully disagrees with the Examiner's rejection of the claims, and submits that amended claims 1 to 17 are in condition for allowance for the following reasons:

37 CFR 1.83(a) and 35 USC 112 Objections

The Applicant has deleted the phrase "directly or indirectly" from the claims.

Prior Art Rejections based on 35 U.S.C. 102(a) and 102(b)

The Examiner states claims 1 and 8 are anticipated by Moore (GB 2327655A). However, Moore lacks several features not present in amended claims 1 and 8. In particular, Moore does not disclose "a cradle to receive a bicycle fork crown". The cycle carrier disclosed in Moore simply lacks such a feature. The structure 30-33 disclosed in Moore cannot support a bicycle by a fork crown. While the bar may be placed between the fork and the bicycle frame, the bar cannot support the bicycle by the fork crown itself. If a bicycle is supported using the fork crown using the Moore carrier, then the bicycle itself would be angled so that it would not be supported vertically by the carrier (given the position of the fork crown in a bicycle).

Likewise, the cradles (20) disclosed in Preston (WO 03/064214A1) are for holding a bicycle wheel, not a fork crown. In fact it would be impossible for a fork crown to fit into the cradles disclosed in Preston given the positioning of cradle portions 20 on support member 22. Specifically cradle portions 54, 56 as shown in Fig. 2 and Fig. 3 of Preston make it impossible for the cradle to receive a fork crown. Preston describes his cradle on page 3 lines 26 and 27, wherein the cradle is described as being two triangles mounted side by side. The closed nature of Preston's triangles make his cradle incapable of receiving a fork crown.

There are several other features in the claims not present in the prior art. For example, the prior art does not disclose the use of a stabilizer bar to support the rear wheel of the bicycle. Further, the prior art does not disclose a cradle comprising two pairs of tines to support the fork crown.


~~_____~~

- 6 -

Given the above, the applicant submits the application is in condition for allowance, which is respectfully requested.

Respectfully submitted,

By:


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Mark T. Vogelbacker
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Date: 12/1/10

02/15/08 12:51 FAX 604 631 3232

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Vancouver, BC Canada V6C 0A3604 631 3131 Telephone
604 631 3232 Facsimile**RUSH****FASKEN
MARTINEAU** **FACSIMILE COVER SHEET**

Date: February 15, 2008

TO	Firm and City	Telephone	Facsimile
Morgan Jr. Jack Hosmer, Examiner Art Unit 3782	USPTO, Alexandria, VA		1 571 273 8300

FROM	Telephone	Facsimile
Armand Benitah dingalls@fasken.com	604 631 4743	604 632 4743

Pages (including cover): 12

File/Sender's ID: 263953.00002/15331

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United States Patent and Trademark Office fax number 571 273 8300, on February 15, 2008Dated: February 15, 2008Name: 

Anne Chow

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/782,174	
	Filing Date	02/20/2004	
	First Named Inventor	HAMMOND, Malcolm Thomas	
	Art Unit	3782	
	Examiner Name	HOSMER, Morgan Jr. Jack	
Total Number of Pages in This Submission	10	Attorney Docket Number	263953.00002

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request for Continued Examination
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fasken Martineau DuMoulin LLP		
Signature			
Printed name	Armand Benitah		
Date	February 15, 2008	Reg. No.	56026

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Anne Chow	Date	February 15, 2008

Mark T. Vogelbacker Date: 12/1/10
 Mark T. Vogelbacker
 Reg No. 58,877
 Telephone: (215) 965-1245

off by the public which is to file (and by the USPTO to
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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4618).**FEE TRANSMITTAL**
For FY 2008☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 620.00

Complete if Known

Application Number	10/782,174
Filing Date	02/20/2004
First Named Inventor	HAMMOND, Malcolm Thomas
Examiner Name	HOSMER, Morgan Jr. Jack
Art Unit	3782
Attorney Docket No.	283953.00002

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☐ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25

Each independent claim over 3 (including Reissues)

210	105
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Multiple dependent claims

370	185
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Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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22	- 20 or HP =	2	x 25.00 = 50.00
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HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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4	- 3 or HP =	1	x 105.00 = 105.00
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HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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- 100 =	/ 50 =	(round up to a whole number) x		
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4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): RCE and Petition for Extension of Time

485.00

SUBMITTED BY

Signature

Registration No. 56026
(Attorney/Agent)

Telephone 604 631 4743

Name (Print/Type)

Armand Benitah

Date February 15, 2008

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Mark T. Vogelbacker
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PTO/SB/30 (01-08)

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Request for Continued Examination (RCE) Transmittal Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	10782,174
	Filing Date	02/20/2004
	First Named Inventor	HAMMOND, Malcolm Thomas
	Art Unit	3782
	Examiner Name	HOSMER, Morgan Jr. Jack
	Attorney Docket Number	263953.00002

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)
- b. ☐ Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☐ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. _____ I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed **FC:2001** **62 FC:2251** **02/20/2008 PCHOMP 00000023 10782174** **68.00 OP**
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

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Signature		Date	February 15, 2008
Name (Print/Type)	Armand Benilah	Registration No.	56026

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Signature			
Name (Print/Type)		Date	

required to obtain or retain a benefit by the public which is to file (and by the USPTO 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, to the USPTO. Time will vary depending upon the individual case. Any comments on reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. P.O. Box 1450, Alexandria, VA 22313-1450. e form, call 1-800-PTO-9199 and select option 2.

Mark T. Vogelbacker Date: 12/1/10

Mark T. Vogelbacker

Reg No. 58,877

Telephone: (215) 965-1245

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2008 (Fees pursuant to the Consolidated Appropriations Act, 2003 (H.R. 4818))		Docket Number (Optional) 263953.00002	
Application Number 10/782,174		Filed 02/20/2004	
For Response to Final Office Action dated 10/18/2007			
Art Unit 3782		Examiner HOSMER, Morgan Jr. Jack	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
		Fee	Small Entity Fee
<input checked="" type="checkbox"/>	One month (37 CFR 1.17(a)(1))	\$120	\$ 60.00
<input type="checkbox"/>	Two months (37 CFR 1.17(a)(2))	\$460	\$
<input type="checkbox"/>	Three months (37 CFR 1.17(a)(3))	\$1050	\$
<input type="checkbox"/>	Four months (37 CFR 1.17(a)(4))	\$1640	\$
<input type="checkbox"/>	Five months (37 CFR 1.17(a)(5))	\$2230	\$
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> A check in the amount of the fee is enclosed. <input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. <input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____ I have enclosed a duplicate copy of this sheet. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the <input type="checkbox"/> Applicant/inventor. <input type="checkbox"/> Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96). <input checked="" type="checkbox"/> Attorney or agent of record. Registration Number 56026 <input type="checkbox"/> Attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
_____ Signature		February 15, 2008 Date	
Armand Benitah Typed or printed name		604 631 4743 Telephone Number	
Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below. <input checked="" type="checkbox"/> Total of 1 forms are submitted.			

4(s). The information is required to obtain or retain a benefit by the public which is to file (and by the remedy by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 minutes to the completed application form to the USPTO. Time will vary depending upon the individual case. Any fee this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THE USPTO, P.O. Box 1450, Alexandria, VA 22313-1450.

12/1/10

Date:

For more information on completing the form, call 1-800-PTO-6199 and select option 2.

Mark T. Vogelbacker

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PAGE 412 * RCVD AT 2/15/2008 3:51:46 PM (Eastern Standard Time) * SVR:USPTO-EFAXF-5/29 * DNIS:2738300 * CSID:604 631 3232 * DURATION (mm:ss):02:20

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents and Trademarks

Applicant: HAMMOND, Malcolm
Title: FORK CROWN SUPPORTED BICYCLE CARRIER
Serial No.: 10/782,174
Filing Date: 02/20/2004
Examiner: MORGAN Jr., Jack Hosmer Art Unit: 3782
Docket No.: 263953.00002
Date: February 15, 2008

To: United States Patent and Trademark Office
Customer Service Window
Mail Stop RCE
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Dear Sirs:

RESPONSE

This is in response to the Office Action mailed October 18, 2007.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

- 2 -

Amendments to the Claims

This listing of claims will replace all prior versions, and listing of claims in the application.

Listing of Claims

1. (currently amended) A bicycle carrier for mounting to a vehicle comprising:

a supporting member mountable to said vehicle;

an upper bar;

a cradle to receive a bicycle fork crown, said cradle having first and second structures, said first structure having first and second tines, said second structure having third and fourth tines, said cradle oriented on said upper bar such that when said supporting member is mounted on said vehicle said cradle can receive support a bicycle from said bicycle fork crown, said bicycle fork crown positionable between said first and second tines and said third and fourth tines, said bicycle suspendable generally vertically.
2. (previously presented) The bicycle carrier of claim 1, wherein said supporting member is a generally vertical structure, and said upper bar is a horizontal upper structure on which said cradle is mounted.
3. (original) The bicycle carrier of claim 2, wherein said supporting member has a means of attaching to a vehicle hitch.
4. (previously presented) The bicycle carrier of claim 2, further comprising a second bar with means for securing a bicycle rear wheel.
5. (previously presented) The bicycle carrier of claim 2, wherein there is a plurality of cradles mounted on said upper bar for receiving a plurality of bicycles.
6. (original) The bicycle carrier of claim 5, wherein said plurality of cradles are mounted at an angle such that said cradle supports said bicycle fork crown and the bicycle handlebars at an angle other than perpendicular to said bicycle.

32/23/2238 PCHD:DP C3222223 10782174

33 FC:2201
34 FC:2232125.03 CP
53.23 CP

- 3 -

7. (original) The bicycle carrier of claim 2, wherein said cradle includes at least one tie down means for securing said fork crown or a bicycle fork.

8. (currently amended) A vehicle mounted bicycle carrier comprising:

a horizontal bar mountable to said vehicle, said horizontal bar having a cradle, said cradle having first and second structures, each of said first and second structures having first and second tines, said cradle oriented on said horizontal bar such that said cradle can receive a bicycle from said bicycle fork crown, said bicycle fork crown positionable between said first and second tines on each of said first and second structures, said bicycle suspendable[[ed]] generally vertically to support a bicycle fork crown of a bicycle such that said bicycle is hung generally vertically from said fork crown.

9. (previously presented) The bicycle carrier of claim 8, wherein said horizontal bar is mounted to a generally vertical support member and a vehicle hitch.

10. (currently amended) The bicycle carrier of claim 8, further comprising means for securing said bicycle or said bicycle fork crown, to said horizontal ~~barsupport member~~ or said cradle.

11. (previously presented) The bicycle carrier of claim 8, further comprising means for securing a rear bicycle wheel to said vehicle mounted bicycle carrier.

12. (currently amended) The bicycle carrier of claim 8, wherein said horizontal ~~barsupport member~~ is mounted generally parallel or generally perpendicular to the rear of said vehicle.

13. (currently amended) The bicycle carrier of claim 8, wherein a plurality of cradles for carrying a plurality of bicycles, are mounted to said horizontal ~~barsupport member~~.

14. (currently amended) The bicycle carrier of claim 13, wherein said cradles support said plurality of bicycles with said bicycle fork crown and handlebars at an angle other than parallel to said horizontal ~~barsupport member~~.

15. (withdrawn)

- 4 -

16. (previously presented) The bicycle carrier of claim 1 further comprising a stabilizer bar, said stabilizer bar positioned to stabilize a rear tire of said bicycle.
17. (currently amended) The bicycle carrier of claim 16[[3]] wherein said stabilizer bar further comprises a hook to hold said rear tire in place.
18. (new) The bicycle carrier of claim 1 wherein said first and second structures are V-shaped.
19. (new) A bicycle carrier for mounting to a vehicle comprising:
a supporting member mountable to said vehicle;
an upper bar; and
a cradle to receive a bicycle fork crown, said cradle having a structure, said structure having first and second tines, said cradle oriented on said upper bar such that when said supporting member is mounted on said vehicle said cradle can receive a bicycle from said bicycle fork crown, said bicycle fork crown positionable between said first and second tines, said bicycle suspendable generally vertically.
20. (new) The bicycle carrier of claim 19 wherein said structure is V-shaped.
21. (new) The bicycle carrier of claim 8 wherein said first and second structures are V-shaped.
22. (new) A vehicle mounted bicycle carrier comprising:
a horizontal bar mountable to said vehicle, said horizontal bar having a cradle, said cradle having a structure, said structure having first and second tines, said cradle oriented on said horizontal bar such that said cradle can receive a bicycle from said bicycle fork crown, said bicycle fork crown positionable between said first and second tines, said bicycle suspendable generally vertically.

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- 5 -

Remarks/Argument

The Applicant respectfully disagrees with the Examiner's rejection of the claims, and submits that amended claims 1 to 14 and 16 and 17 are in condition for allowance for the following reasons:

Prior Art Rejections based on 35 U.S.C. 102(a) and 102(b)

The Examiner states claims 1 to 3, 5 to 13 and 15 are anticipated by Preston (WO 03/064214A1). The Applicant has amended claims 1 and 8 to emphasize the differences between the Applicant's invention and Preston's bicycle rack. In particular, Preston does not disclose structures having first and second tines to receive a bicycle fork crown between said first and second tines, a feature present in all of the current independent claims. The cycle carrier disclosed in Preston simply lacks such a feature, and instead uses triangular shaped cradle portions to hold a bicycle wheel.

Likewise, the Despain and Johansson references do not include structures with tines to receive the fork crown of a bicycle between the tines.

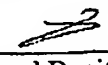
The Applicant has also amended claims 10 and 12 to 14 to make the language therein consistent with the claims from which they depend.

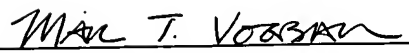
New independent claims 19 and 22 employ a single structure having first and second tines to receive a bicycle fork crown between the first and second tines. As mentioned above, such a structure is not found in the prior art references.

Given the above, the applicant submits the application is in condition for allowance, which is respectfully requested.

Respectfully submitted,

By:


Armand Benitah
c/o Fasken Martineau DuMoulin LLP
2900 - 550 Burrard Street
Vancouver, British Columbia V6C 0A3
Tel: 604-631-4743
Fax: 604-632-4743

 Date: 12/1/10
Mark T. Vogelbacker
Reg. No. 58,877
Telephone: (215) 965-1245

03/12/2008 17:10 FAX 604 631 3232

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Date: March 12, 2008

TO	Firm and City	Telephone	Facsimile
Morgan Jr., Jack Hosmer, Examiner Art Unit 3782	USPTO, Alexandria, VA		1 571 273 8300

FROM	Telephone	Facsimile
Armand Benitah dingalls@fasken.com	604 631 4743	604 632 4743

Pages (including cover): 5

File/Sender's ID: 263953.00002/15331

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Response to the Notice of Non-Compliant Amendment is being transmitted to the United States Patent and Trademark Office fax number 571 273 8300, on March 12, 2008

Dated: March 12, 2008

Name: 

Anne Chow

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10782,174
	Filing Date	02/20/2004
	First Named Inventor	HAMMOND, Malcolm
	Art Unit	3762
	Examiner Name	MORGAN Jr., Jack Hosmer
	Attorney Docket Number	263593.00002
Total Number of Pages in This Submission		4

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD. Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks This is in response to the Notice of Non-Compliant Amendment dated 02/26/2008.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fasken Martineau DuMoulin LLP		
Signature			
Printed name	Armand Benitah		
Date	March 12, 2008	Reg. No.	56028

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Anne Chow	Date	March 12, 2008

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including to the USPTO. Time will vary depending upon the individual case. Any comments on the for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS 1450, Alexandria, VA 22313-1450.

ing the form, call 1-800-PTO-9199 and select option 2.

Mark T. Vogelbacker

Reg. No. 58,877

Telephone: (215) 965-1245

PAGE 2/5 * RCVD AT 3/12/2008 8:10:16 PM (Eastern Daylight Time) * SVR:USPTO-EFXXF-5/2 * DNIS:2738300 * CSID:604 631 3232 * DURATION (mm-ss):01:10

MAN T. VOORBAER

Date: 12/1/10

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents and Trademarks

Applicant: HAMMOND, Malcolm
Title: FORK CROWN SUPPORTED BICYCLE CARRIER
Serial No.: 10/782,174
Filing Date: 02/20/2004
Examiner: MORGAN Jr., Jack Hosmer Art Unit: 3782
Docket No.: 263953.00002
Date: February 15, 2008

To: United States Patent and Trademark Office
Customer Service Window
Mail Stop RCE
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Dear Sirs:

RESPONSE

This is in response to the Office Action mailed October 18, 2007 and the Notice of Non-Compliant Amendment dated February 26, 2008.

In compliance with 37 CFR 1.121 we enclose pages 2-3 of the Response submitted October 18, 2007 and respectfully request that these pages replace pages 2-3 originally submitted.

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- 2 -

Amendments to the Claims

This listing of claims will replace all prior versions, and listing of claims in the application.

Listing of Claims

1. (currently amended) A bicycle carrier for mounting to a vehicle comprising:

a supporting member mountable to said vehicle;

an upper bar;

a cradle to receive a bicycle fork crown, said cradle having first and second structures, said first structure having first and second tines, said second structure having third and fourth tines, said cradle oriented on said upper bar such that when said supporting member is mounted on said vehicle said cradle can receivesupport a bicycle from said bicycle fork crown, said bicycle fork crown positionable between said first and second tines and said third and fourth tines, said bicycle suspendable[[ed]] generally vertically.
2. (previously presented) The bicycle carrier of claim 1, wherein said supporting member is a generally vertical structure, and said upper bar is a horizontal upper structure on which said cradle is mounted.
3. (original) The bicycle carrier of claim 2, wherein said supporting member has a means of attaching to a vehicle hitch.
4. (previously presented) The bicycle carrier of claim 2, further comprising a second bar with means for securing a bicycle rear wheel.
5. (currently amended) The bicycle carrier of claim 2, wherein there is a plurality of cradles mounted on said upper bar for receiving~~carrying~~ a plurality of bicycles.
6. (original) The bicycle carrier of claim 5, wherein said plurality of cradles are mounted at an angle such that said cradle supports said bicycle fork crown and the bicycle handlebars at an angle other than perpendicular to said bicycle.

- 3 -

7. (original) The bicycle carrier of claim 2, wherein said cradle includes at least one tie down means for securing said fork crown or a bicycle fork.

8. (currently amended) A vehicle mounted bicycle carrier comprising:

a horizontal bar mountable to said vehicle, said horizontal bar having a cradle, said cradle having first and second structures, each of said first and second structures having first and second tines, said cradle oriented on said horizontal bar such that said cradle can receive a bicycle from said bicycle fork crown, said bicycle fork crown positionable between said first and second tines on each of said first and second structures, said bicycle suspendable[ed] generally vertically to support a bicycle fork crown of a bicycle such that said bicycle is hung generally vertically from said fork crown.

9. (previously presented) The bicycle carrier of claim 8, wherein said horizontal bar is mounted to a generally vertical support member and a vehicle hitch.

10. (currently amended) The bicycle carrier of claim 8, further comprising means for securing said bicycle or said bicycle fork crown, to said horizontal ~~barsupport member~~ or said cradle.

11. (previously presented) The bicycle carrier of claim 8, further comprising means for securing a rear bicycle wheel to said vehicle mounted bicycle carrier.

12. (currently amended) The bicycle carrier of claim 8, wherein said horizontal ~~barsupport member~~ is mounted generally parallel or generally perpendicular to the rear of said vehicle.

13. (currently amended) The bicycle carrier of claim 8, wherein a plurality of cradles for carrying a plurality of bicycles, are mounted to said horizontal ~~barsupport member~~.

14. (currently amended) The bicycle carrier of claim 13, wherein said cradles support said plurality of bicycles with said bicycle fork crown and handlebars at an angle other than parallel to said horizontal ~~barsupport member~~.

15. (cancelled)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 10/782,174		Filing Date 02/20/2004		<input type="checkbox"/> To be Mailed		
APPLICATION AS FILED – PART I											
(Column 1)			(Column 2)		SMALL ENTITY <input checked="" type="checkbox"/> OR		OTHER THAN SMALL ENTITY				
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)			RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.18(a), (b), or (c))	N/A	N/A	N/A				N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A				N/A				
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.18(o), (p), or (q))	N/A	N/A	N/A				N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	•	X \$	=			X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	•	X \$	=			X \$	=			
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).					OR					
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))											
* If the difference in column 1 is less than zero, enter "0" in column 2.					TOTAL		TOTAL				
APPLICATION AS AMENDED – PART II											
(Column 1)			(Column 2)		(Column 3)		SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	02/15/2008	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)			RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	• 22	Minus	** 20	= 2	X \$25 =	50	OR		X \$	=
	Independent (37 CFR 1.16(h))	• 4	Minus	*** 3	= 1	X \$105 =	105	OR		X \$	=
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
						TOTAL ADD'L FEE	155	OR		TOTAL ADD'L FEE	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)			RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	•	Minus	**	=	X \$	=	OR		X \$	=
	Independent (37 CFR 1.16(h))	•	Minus	***	=	X \$	=	OR		X \$	=
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))										
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
						TOTAL ADD'L FEE		OR		TOTAL ADD'L FEE	
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>											

Legal Instrument Examiner:
/Ruby Johnson/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Date: June 12, 2008

TO	Firm and City	Telephone	Facsimile
Morgan Jr., Jack Hosmer, Examiner Art Unit 3782	USPTO, Alexandria, VA		1 571 273 8300

FROM	Telephone	Facsimile
Armand Benitah dingalls@fasken.com	604 631 4743	604 632 4743

Pages (including cover): 9

File/Sender's ID: 263953.00002/15331

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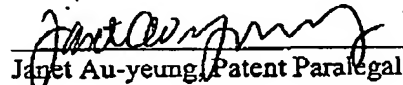
12:25 AB

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Response to the Notice of Non-Compliant Amendment is being transmitted to the United States Patent and Trademark Office fax number 571 273 8300, on June 12, 2008.

Dated: June 12, 2008

Name:


Janet Au-yeung, Patent Paralegal

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Vancouver Calgary Toronto Ottawa Montréal Québec City London Johannesburg New York

JUN 12 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents and Trademarks

Applicant: HAMMOND, Malcolm
Title: FORK CROWN SUPPORTED BICYCLE CARRIER
Serial No.: 10/782,174
Filing Date: 02/20/2004
Examiner: MORGAN Jr., Jack Hosmer Art Unit: 3782
Docket No.: 263953.00002
Date: June 12, 2008

To: United States Patent and Trademark Office
Customer Service Window
Mail Stop: RCE
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Dear Sirs:

RESPONSE

This is in response to the Office Action mailed October 18, 2007 and the Notice of Non-Compliant Amendment dated February 26, 2008 and June 5, 2008.

In compliance with 37 CFR 1.121 we enclose the entire listing of claims which begin on page 2 of this paper. Withdrawn claim 15 now includes the entire text, and each claim includes the proper status identifier.

- 2 -

Amendments to the Claims

This listing of claims will replace all prior versions, and listing of claims in the application.

Listing of Claims

1. (currently amended) A bicycle carrier for mounting to a vehicle comprising:

a supporting member mountable to said vehicle;

an upper bar;

a cradle to receive a bicycle fork crown, said cradle having first and second structures, said first structure having first and second tines, said second structure having third and fourth tines, said cradle oriented on said upper bar such that when said supporting member is mounted on said vehicle said cradle can ~~receivesupport~~ a bicycle from said bicycle fork crown, said bicycle fork crown positionable between said first and second tines and said third and fourth tines, said bicycle suspendable[[ed]] generally vertically.
2. (previously presented) The bicycle carrier of claim 1, wherein said supporting member is a generally vertical structure, and said upper bar is a horizontal upper structure on which said cradle is mounted.
3. (original) The bicycle carrier of claim 2, wherein said supporting member has a means of attaching to a vehicle hitch.
4. (previously presented) The bicycle carrier of claim 2, further comprising a second bar with means for securing a bicycle rear wheel.
5. (currently amended) The bicycle carrier of claim 2, wherein there is a plurality of cradles mounted on said upper bar for receiving~~carrying~~ a plurality of bicycles.
6. (original) The bicycle carrier of claim 5, wherein said plurality of cradles are mounted at an angle such that said cradle supports said bicycle fork crown and the bicycle handlebars at an angle other than perpendicular to said bicycle.

- 3 -

7. (original) The bicycle carrier of claim 2, wherein said cradle includes at least one tie down means for securing said fork crown or a bicycle fork.

8. (currently amended) A vehicle mounted bicycle carrier comprising:

a horizontal bar mountable to said vehicle, said horizontal bar having a cradle, said cradle having first and second structures, each of said first and second structures having first and second tines, said cradle oriented on said horizontal bar such that said cradle can receive a bicycle from said bicycle fork crown, said bicycle fork crown positionable between said first and second tines on each of said first and second structures, said bicycle suspendable[[ed]] generally vertically to support a bicycle fork crown of a bicycle such that said bicycle is hung generally vertically from said fork crown.

9. (previously presented) The bicycle carrier of claim 8, wherein said horizontal bar is mounted to a generally vertical support member and a vehicle hitch.

10. (currently amended) The bicycle carrier of claim 8, further comprising means for securing said bicycle or said bicycle fork crown, to said horizontal barsupport member or said cradle.

11. (previously presented) The bicycle carrier of claim 8, further comprising means for securing a rear bicycle wheel to said vehicle mounted bicycle carrier.

12. (currently amended) The bicycle carrier of claim 8, wherein said horizontal barsupport member is mounted generally parallel or generally perpendicular to the rear of said vehicle.

13. (currently amended) The bicycle carrier of claim 8, wherein a plurality of cradles for carrying a plurality of bicycles, are mounted to said horizontal barsupport member.

14. (currently amended) The bicycle carrier of claim 13, wherein said cradles support said plurality of bicycles with said bicycle fork crown and handlebars at an angle other than parallel to said horizontal barsupport member.

- 4 -

15. (withdrawn) The bicycle carrier of claim 1 wherein said cradle comprises two pairs of tines, such that said bicycle fork crown is positionable between each of said pairs.

16. (previously presented) The bicycle carrier of claim 1 further comprising a stabilizer bar, said stabilizer bar positioned to stabilize a rear tire of said bicycle.

17. (currently amended) The bicycle carrier of claim 16[[3]] wherein said stabilizer bar further comprises a hook to hold said rear tire in place.

18. (new) The bicycle carrier of claim 1 wherein said first and second structures are V-shaped.

19. (new) A bicycle carrier for mounting to a vehicle comprising:

a supporting member mountable to said vehicle;

an upper bar, and

a cradle to receive a bicycle fork crown, said cradle having a structure, said structure having first and second tines, said cradle oriented on said upper bar such that when said supporting member is mounted on said vehicle said cradle can receive a bicycle from said bicycle fork crown, said bicycle fork crown positionable between said first and second tines, said bicycle suspendable generally vertically.

20. (new) The bicycle carrier of claim 19 wherein said structure is V-shaped.

21. (new) The bicycle carrier of claim 8 wherein said first and second structures are V-shaped.

22. (new) A vehicle mounted bicycle carrier comprising:

a horizontal bar mountable to said vehicle, said horizontal bar having a cradle, said cradle having a structure, said structure having first and second tines, said cradle oriented on said horizontal bar such that said cradle can receive a bicycle from said bicycle fork crown, said bicycle fork crown positionable between said first and second tines, said bicycle suspendable generally vertically.

- 5 -

Remarks/Argument

The Applicant respectfully disagrees with the Examiner's rejection of the claims, and submits that amended claims 1 to 14 and 16 and 17 are in condition for allowance for the following reasons:

Prior Art Rejections based on 35 U.S.C. 102(a) and 102(b)

The Examiner states claims 1 to 3, 5 to 13 and 15 are anticipated by Preston (WO 03/064214A1). The Applicant has amended claims 1 and 8 to emphasize the differences between the Applicant's invention and Preston's bicycle rack. In particular, Preston does not disclose structures having first and second tines to receive a bicycle fork crown between said first and second tines, a feature present in all of the current independent claims. The cycle carrier disclosed in Preston simply lacks such a feature, and instead uses triangular shaped cradle portions to hold a bicycle wheel.

Likewise, the Despain and Johansson references do not include structures with tines to receive the fork crown of a bicycle between the tines.

The Applicant has also amended claims 10 and 12 to 14 to make the language therein consistent with the claims from which they depend.

New independent claims 19 and 22 employ a single structure having first and second tines to receive a bicycle fork crown between the first and second tines. As mentioned above, such a structure is not found in the prior art references.

Given the above, the applicant submits the application is in condition for allowance, which is respectfully requested.

Respectfully submitted,

By:

Armand Benitah, Reg. No. 56,026
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Date: 12/1/10

Mark T. Vogelbacker
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Telephone: (215) 965-1245


JUN 12 2008 008

PTO/SB/22 (04-07)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)	
FY 2008		263953.00002	
(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818))			
Application Number	10/782,174	Filed	02/20/2004
For Response to Notice of Non-Compliant Amendment (37 CFR 1.121)			
Art Unit	3782	Examiner	HOSMER, Morgan Jr. Jack
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$460	\$230	\$
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1050	\$525	\$ 525
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1640	\$820	\$
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2230	\$1115	\$
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> A check in the amount of the fee is enclosed. <input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. <input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____ I have enclosed a duplicate copy of this sheet. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the <input type="checkbox"/> Applicant/inventor. <input type="checkbox"/> Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96). <input checked="" type="checkbox"/> Attorney or agent of record. Registration Number 56026 <input type="checkbox"/> Attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
 _____ Signature		June 12, 2008 _____ Date	
Armand Benitah _____ Typed or printed name		604 631 4743 _____ Telephone Number	
Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below. <input checked="" type="checkbox"/> Total of 1 forms are submitted.			

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800-PTO-9189 and select option 2.

Mark T. Vogelbacker Date: 12/1/10
 Mark T. Vogelbacker
 Reg. No. 58,877
 Telephone: (215) 965-1245

PAGE 8/9 * RCVD AT 6/12/2008 3:28:35 PM [Eastern Daylight Time] * SVR:USPTO-EFAXF-610 * DNIS:2738300 * CSID:604 631 3232 * DURATION (mm-ss):01:46

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/782,174	
	Filing Date	02/20/2004	
	First Named Inventor	HAMMOND, Malcolm	
	Art Unit	3782	
	Examiner Name	MORGAN Jr., Jack Hosmer	
Total Number of Pages in This Submission	8	Attorney Docket Number	263853.00002

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Credit Card Payment Form
Remarks This is in response to the Notices of Non-Compliant Amendment dated 02/26/08 and 06/05/08.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Fasken Martineau DuMoulin LLP		
Signature			
Printed name	Armand Benitah		
Date	June 12, 2008	Reg. No.	56026

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Date	June 12, 2008

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Date: 12/1/10

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Reg. No. 58,877

Telephone: (215) 965-1245

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 10/782,174		Filing Date 02/20/2004		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)		SMALL ENTITY <input checked="" type="checkbox"/> OR		OTHER THAN SMALL ENTITY			
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$	=		X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=			
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))			If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.										
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)		(Column 3)		SMALL ENTITY OR		OTHER THAN SMALL ENTITY	
AMENDMENT	06/12/2008	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	• 22	Minus	** 20	= 2	X \$25 =	50	OR	X \$	=
	Independent (37 CFR 1.16(h))	• 4	Minus	*** 3	= 1	X \$105 =	105	OR	X \$	=
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))									
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE	155	OR	TOTAL ADD'L FEE	
AMENDMENT	Total (37 CFR 1.16(i))	•	Minus	**	=	X \$	=		X \$	=
	Independent (37 CFR 1.16(h))	•	Minus	***	=	X \$	=		X \$	=
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))									
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
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Legal Instrument Examiner:
/STEFANIE BRYCE/

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FROM	Telephone	Facsimile
Armand Benitah dingalls@fasken.com	604 631 4743	604 632 4743

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Jane Au-yeung, Patent Paralegal
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents and Trademarks

Applicant: HAMMOND, Malcolm
Title: FORK CROWN SUPPORTED BICYCLE CARRIER
Serial No.: 10/782,174
Filing Date: 02/20/2004
Examiner: MORGAN Jr., Jack Hosmer Art Unit: 3782
Docket No.: 263953.00002
Date: December 24, 2008

To: United States Patent and Trademark Office
Customer Service Window
Mail Stop: Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Dear Sirs:

RESPONSE

This is in response to the Office Action mailed September 30, 2008.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

- 2 -

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Amendments to the Claims

This listing of claims will replace all prior versions, and listing of claims in the application.

Listing of Claims

1. (currently amended) A bicycle carrier for mounting to a vehicle comprising:

a supporting member mountable to said vehicle;

an upper bar;

a cradle to receive a bicycle fork crown, said cradle having first and second structures, said first structure having first and second tines, said second structure having third and fourth tines, said cradle oriented on said upper bar such that when said supporting member is mounted on said vehicle said cradle can receive a bicycle from said bicycle fork crown, said bicycle fork crown positionable between said first and second tines and said third and fourth tines, said bicycle suspendable generally vertically; and said cradle mounted at an angle such that said cradle supports said bicycle fork crown and bicycle handlebars at an angle other than perpendicular to said bicycle.
2. (previously presented) The bicycle carrier of claim 1, wherein said supporting member is a generally vertical structure, and said upper bar is a horizontal upper structure on which said cradle is mounted.
3. (original) The bicycle carrier of claim 2, wherein said supporting member has a means of attaching to a vehicle hitch.
4. (previously presented) The bicycle carrier of claim 2, further comprising a second bar with means for securing a bicycle rear wheel.
5. (previously presented) The bicycle carrier of claim 2, wherein there is a plurality of cradles mounted on said upper bar for receiving a plurality of bicycles.
6. (cancelled)

- 3 -

7. (cancelled)

8. (currently amended) A vehicle mounted bicycle carrier comprising:

a horizontal bar mountable to said vehicle, said horizontal bar having a cradle, said cradle having first and second structures, each of said first and second structures having first and second tines, said cradle oriented on said horizontal bar such that said cradle can receive a bicycle from said bicycle fork crown, said bicycle fork crown positionable between said first and second tines on each of said first and second structures, said bicycle suspendable generally vertically; and said cradle mounted at an angle such that said cradle supports said bicycle fork crown and bicycle handlebars at an angle other than perpendicular to said bicycle.

9. (previously presented) The bicycle carrier of claim 8, wherein said horizontal bar is mounted to a generally vertical support member and a vehicle hitch.

10. (cancelled)

11. (previously presented) The bicycle carrier of claim 8, further comprising means for securing a rear bicycle wheel to said vehicle mounted bicycle carrier.

12. (previously presented) The bicycle carrier of claim 8, wherein said horizontal bar is mounted generally parallel or generally perpendicular to the rear of said vehicle.

13. (previously presented) The bicycle carrier of claim 8, wherein a plurality of cradles for carrying a plurality of bicycles, are mounted to said horizontal bar.

14. (cancelled)

15. (withdrawn) The bicycle carrier of claim 1 wherein said cradle comprises two pairs of tines, such that said bicycle fork crown is positionable between each of said pairs.

16. (previously presented) The bicycle carrier of claim 1 further comprising a stabilizer bar, said stabilizer bar positioned to stabilize a rear tire of said bicycle.

17. (previously presented) The bicycle carrier of claim 16 wherein said stabilizer bar further comprises a hook to hold said rear tire in place.

- 4 -

18. (previously presented) The bicycle carrier of claim 1 wherein said first and second structures are V-shaped.

19. (currently amended) A bicycle carrier for mounting to a vehicle comprising:

a supporting member mountable to said vehicle;

an upper bar; and

a cradle to receive a bicycle fork crown, said cradle having a structure, said structure having first and second tines, said cradle oriented on said upper bar such that when said supporting member is mounted on said vehicle said cradle can receive a bicycle from said bicycle fork crown, said bicycle fork crown positionable between said first and second tines, said bicycle suspendable generally vertically; and said cradle mounted at an angle such that said cradle supports said bicycle fork crown and bicycle handlebars at an angle other than perpendicular to said bicycle.

20. (previously presented) The bicycle carrier of claim 19 wherein said structure is V-shaped.

21. (previously presented) The bicycle carrier of claim 8 wherein said first and second structures are V-shaped.

22. (currently amended) A vehicle mounted bicycle carrier comprising:

a horizontal bar mountable to said vehicle, said horizontal bar having a cradle, said cradle having a structure, said structure having first and second tines, said cradle oriented on said horizontal bar such that said cradle can receive a bicycle from said bicycle fork crown, said bicycle fork crown positionable between said first and second tines, said bicycle suspendable generally vertically; and said cradle mounted at an angle such that said cradle supports said bicycle fork crown and bicycle handlebars at an angle other than perpendicular to said bicycle.

- 5 -

Remarks/Argument

The Applicant has cancelled claim 7 to overcome the Examiner's 37 CFR 1.83(a) objection.

The Applicant has cancelled claims 7 and 10 to overcome the Examiner's 35 USC 112 objection.

The applicant has amended the claims to include the limitation of claims 6 and 14 into claims 1, 8, 19 and 22, namely that the cradle is mounted at an angle such that said cradle supports the bicycle fork crown and bicycle handlebars at an angle other than perpendicular to the bicycle, a feature not present in the cited art. As the Examiner indicated that claims 6 and 14, if rewritten as independent claims, would be patentable, the Applicant submits the independent claims are now patentable. Note the Applicant did not include the limitations of intervening claims 5 and 13 (which include a limitation relating to a plurality of cradles), but submits the remaining claims are in condition for allowance, which is respectfully requested.

Respectfully submitted,

Mark T. Vogelbacker

Mark T. Vogelbacker
Reg. No. 58,877
Telephone: (215) 965-1245

Date: 12/1/10 By: [Signature]
Armand Benitah, Reg. No. 56026
c/o Fasken Martineau DuMoulin LLP
2900 - 550 Burrard Street
Vancouver, British Columbia V6C 0A3
Tel: 604-631-4743
Fax: 604-632-4743

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 10/782,174		Filing Date 02/20/2004		<input type="checkbox"/> To be Mailed	
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APPLICATION AS FILED – PART I						OTHER THAN SMALL ENTITY				
(Column 1)		(Column 2)		SMALL ENTITY <input checked="" type="checkbox"/>		OR		SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A			N/A	
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A			N/A	
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$	=		X \$	=		X \$	=
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		X \$	=		X \$	=
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))			If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
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APPLICATION AS AMENDED – PART II						OTHER THAN SMALL ENTITY					
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AMENDMENT	12/24/2008	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 18	Minus	** 22	= 0	X \$26 =	0	OR	X \$	=	
	Independent (37 CFR 1.16(h))	* 4	Minus	*** 4	= 0	X \$110 =	0	OR	X \$	=	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))											
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE		

(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY		OR		SMALL ENTITY	
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$	=	OR	X \$	=	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$	=	OR	X \$	=	
<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))											
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))											
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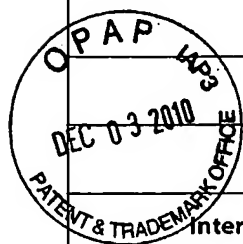
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EFS ID:	5297284
Application Number:	10782174
International Application Number:	
Confirmation Number:	4503
Title of Invention:	Fork crown supported bicycle carrier
First Named Inventor/Applicant Name:	Malcolm Thomas Hammond
Correspondence Address:	Fasken Martineau DuMoulin LLP - 2100 - 1075 West Georgia Street - Vancouver BC V6E 3G2 CA 6046314743 dingalls@van.fasken.com
Filer:	Lesley Meredith Morrison/Janet Au-yeung
Filer Authorized By:	Lesley Meredith Morrison
Attorney Docket Number:	263593.00002
Receipt Date:	07-MAY-2009
Filing Date:	20-FEB-2004
Time Stamp:	17:45:10
Application Type:	Utility under 35 USC 111(a)

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1	Change of Address	263953-02_corresp-change.pdf	122498 a5fa775d5f5c3c5382b95677125e849600420d5a	no	2
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Application Number	10782174
Filing Date	12/19/2006
First Named Inventor	Hammond
Art Unit	3782
Examiner Name	Joack Hosmer Morgan JR
Attorney Docket Number	263953.00002

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Signature

Typed or Printed
Name Lesley M. Morrison

Date May 7, 2009Telephone 1 604 631 4750

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

Mark T. Vogelbacker Date: 12/1/10
Mark T. Vogelbacker
Reg. No. 58,877
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EFS ID:	5891194
Application Number:	10782174
International Application Number:	
Confirmation Number:	4503
Title of Invention:	Fork crown supported bicycle carrier
First Named Inventor/Applicant Name:	Malcolm Thomas Hammond
Correspondence Address:	Fasken Martineau DuMoulin LLP - 2100 - 1075 West Georgia Street - Vancouver BC V6E 3G2 CA 6046314743 dingalls@van.fasken.com
Filer:	Daniel R. Polonenko/Janet Au-yeung
Filer Authorized By:	Daniel R. Polonenko
Attorney Docket Number:	263593.00002
Receipt Date:	14-AUG-2009
Filing Date:	20-FEB-2004
Time Stamp:	14:04:17
Application Type:	Utility under 35 USC 111(a)

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Payment Type	Credit Card
Payment was successfully received in RAM	\$65

RAM confirmation Number		211			
Deposit Account					
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File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	263953-02_RTOA.pdf	95124 64e1a477d38759cd7b3143a1276c7250ef9e1da6	no	7
Warnings:					
Information:					
2	Change of Address	263953-02_corresp-change.pdf	53880 65f016569747349275c670b5af65db1d40d84a29	no	2
Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	30185 44fd2267bdc2c4e55d9dad3aca953a97cd86480	no	2
Warnings:					
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Total Files Size (in bytes):			179189		
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Electronic Patent Application Fee Transmittal

Application Number:	10782174			
Filing Date:	20-Feb-2004			
Title of Invention:	Fork crown supported bicycle carrier			
First Named Inventor/Applicant Name:	Malcolm Thomas Hammond			
Filer:	Daniel R. Polonenko/Janet Au-yeung			
Attorney Docket Number:	263593.00002			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 1 month with \$0 paid	2251	1	65	65

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				65

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents and Trademarks

Applicant: HAMMOND, Malcolm
Title: FORK CROWN SUPPORTED BICYCLE CARRIER
Serial No.: 10/782,174
Filing Date: 02/20/2004
Examiner: MORGAN Jr., Jack Hosmer Art Unit: 3782
Docket No.: 263953.00002
Date: August 14, 2009

To: United States Patent and Trademark Office
Customer Service Window
Mail Stop: **Amendment**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Dear Sirs:

RESPONSE

This is in response to the Office Action mailed April 14, 2009.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

Amendments to the Claims

This listing of claims will replace all prior versions, and listing of claims in the application.

Listing of Claims

1. (currently amended) A bicycle carrier for mounting to a vehicle supporting a bicycle, said carrier comprising comprising:

a vertical supporting member mountable to said vehicle;

a horizontal ~~n~~ upper bar attached to said supporting member;

a cradle fixed at a position on said upper bar to receive a ~~bicycle~~ fork crown of said bicycle, said cradle having first and second structures extending upwardly from said cradle, said first structure having first and second tines, said second structure having third and fourth tines, said cradle oriented on said upper bar such that when said supporting member is mounted on said vehicle said cradle ~~can receive a bicycle from~~ receives said bicycle fork crown, said bicycle fork crown positionable between said first and second tines and said third and fourth tines, said bicycle ~~suspendable~~ generally vertically; and said cradle mounted at an angle such that said cradle supports said bicycle fork crown and bicycle handlebars at an angle other than perpendicular to said bicycle.

2. (cancelled)

3. (currently amended) The bicycle carrier of claim 12, wherein said supporting member has a means of attaching to a vehicle hitch.

4. (currently amended) The bicycle carrier of claim 12, further comprising a second bar attached to said supporting member with means for securing a bicycle rear wheel.

5. (currently amended) The bicycle carrier of claim 12, wherein there is a plurality of cradles mounted on said upper bar for receiving a plurality of bicycles.

6. (cancelled)

7. (cancelled)

8. (currently amended) A vehicle mounted bicycle carrier carrying a bicycle, said carrier comprising:

a horizontal bar mountable to said vehicle, said horizontal bar having a cradle fixed on said horizontal bar at a position extending upwardly therefrom, said cradle having first and second structures extending upwardly from said cradle, each of said first and second structures having first and second tines, said cradle oriented on said horizontal bar such that said cradle ~~can~~ receives said a bicycle from a said bicycle fork crown, said bicycle fork crown positionable between said first and second tines on each of said first and second structures, said bicycle suspended ~~able~~ generally vertically; and said cradle mounted at an angle such that said cradle supports said bicycle fork crown and bicycle handlebars at an angle other than perpendicular to said bicycle.

9. (previously presented) The bicycle carrier of claim 8, wherein said horizontal bar is mounted to a generally vertical support member and a vehicle hitch.

10. (cancelled)

11. (previously presented) The bicycle carrier of claim 8, further comprising means for securing a rear bicycle wheel to said vehicle mounted bicycle carrier.

12. (previously presented) The bicycle carrier of claim 8, wherein said horizontal bar is mounted generally parallel or generally perpendicular to the rear of said vehicle.

13. (previously presented) The bicycle carrier of claim 8, wherein a plurality of cradles for carrying a plurality of bicycles, are mounted to said horizontal bar.

14. (cancelled)

15. (cancelled)

16. (currently amended) The bicycle carrier of claim 1 further comprising a stabilizer bar attached to said supporting member below said upper bar, said stabilizer bar positioned to stabilize a rear tire of said bicycle.

17. (previously presented) The bicycle carrier of claim 16 wherein said stabilizer bar further comprises a hook to hold said rear tire in place.

18. (previously presented) The bicycle carrier of claim 1 wherein said first and second structures are V-shaped.

19. (currently amended) A bicycle carrier for mounting to a vehicle comprising:

a vertical supporting member mountable to said vehicle;

a horizontal upper bar attached to said supporting member; and

a cradle fixed upwardly on said upper bar at an angle approximately 45 degrees to an axis of said upper bar to receive a bicycle fork crown, said cradle having a structure, said structure having first and second tines, said cradle oriented on said upper bar such that when said supporting member is mounted on said vehicle said cradle can receive a bicycle from said bicycle fork crown, said bicycle fork crown positionable between said first and second tines, said bicycle suspendable generally vertically; and said cradle mounted at an angle such that said cradle supports said bicycle fork crown and bicycle handlebars at an angle other than perpendicular to said bicycle.

20. (previously presented) The bicycle carrier of claim 19 wherein said structure is V-shaped.

21. (previously presented) The bicycle carrier of claim 8 wherein said first and second structures are V-shaped.

22. (currently amended) A vehicle mounted bicycle carrier holding a bicycle, comprising:

a horizontal bar mountable to said vehicle, said horizontal bar having a cradle extending upwardly therefrom, said cradle having a structure, said structure having first and second tines in a fixed position extending upwardly from said horizontal bar, said cradle oriented on said horizontal bar such that said cradle ~~can~~ receives a ~~bicycle from said~~ bicycle fork crown of said bicycle, said bicycle fork crown positioned ~~able~~ between said first and second tines, said bicycle suspended ~~able~~ generally vertically; and said cradle mounted at an angle such that said cradle supports said bicycle fork crown and bicycle handlebars at an angle other than perpendicular to said bicycle.

Remarks/Argument

112 Objections

The Applicant has amended claims 1, 4, 8, 16, 19 and 22 to include the essential structural cooperative relationships of elements specified by the Examiner.

102 Objections

The Examiner stated that claims 1-5, 7-13 and 18-22 are anticipated by Shaver. The Applicant submits that the amended independent claims 1, 8, 19 and 22 are not so anticipated. In particular, the amended claims add a limitation relating to the cradle, namely that the cradle is fixed to the upper bar. This is quite different from the cradle (36) and tines (38) of Shaver. In Shaver, the tines 38 are pivotable around the end of cradle (36), and are not in a fixed position at all. The “tines” of Shaver are not meant to be fixed at all, and when in position, as shown in Figure 1A of Shaver, are positioned downward from the cradle (36), i.e. the tines do not extend upwardly, as described in claims 1, 9 and 22.

The Examiner also states the claims 1-3, 5, 7-10, 12-13, and 18-22 are anticipated by Bernd. The Applicant submits that amended claims 1, 8, 19 and 22 are not so anticipated. A key difference between the amended claims and Bernd is that the cradle extends upwardly from the upper or horizontal bar. As in Bernd, the cradle is also the upper, or horizontal bar, it does not extend upwardly therefrom, and indeed cannot.

The Examiner also states the claims 19, 20 and 22 are anticipated by Preston. The Applicant submits that amended claims 19 and 22 are not so anticipated. In particular, the bicycle in claims 19 and 22 cannot be supported from the fork crown by the carrier disclosed in Shaver, as the down tube of the bicycle would prevent the cradle from reaching the fork crown.

As the Applicant submits independent claims 1, 8, 19 and 22 are not anticipated in light of Shaver, Preston and Bernd, the Applicant submits that the claims dependent therefrom are also not anticipated.

103 Objections

The Examiner states the claim 17 is obvious over Shaver and Johansson. The Applicant submits that claim 17, as dependent on amended claim 1 is not obvious. In particular, as stated above, amended claim 1 adds a limitation relating to the cradle, namely that the cradle is fixed to the upper bar. This is quite different from the cradle (36) and tines (38) of Shaver. In Shaver, the tines 38 are pivotable around the end of cradle (36), and are not in a fixed position at all. The "tines" of Shaver are not meant to be fixed, and when in position, as shown in Figure 1A of Shaver, are positioned downward from the cradle (36), i.e. the tines do not extend upwardly, as described in claim 1. Neither Shaver nor Johansson include these limitations.

Conclusion

The Applicant submits the claims are in condition for allowance, which is respectfully requested.

Respectfully submitted,

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Date: 12/1/10

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Application Number	10/782,174
Filing Date	02/20/2004
First Named Inventor	Malcolm Thomas Hammond
Art Unit	3782
Examiner Name	Jack Hosmer Morgan Jr.
Attorney Docket Number	263953.00002

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Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- ☒ Attorney or agent of record. Registration Number 59094
- ☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Signature /Daniel R. Polonenko/

Typed or Printed
Name Daniel R. Polonenko

Date August 14, 2009

Telephone
604-631-4921

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".

Mark T. Vogelbacker
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Date: 12/1/10

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